

# Notice of Allowability

Application No.

10/025,762

Applicant(s)

MATSUO ET AL.

Examiner

Cephia D. Toomer

Art Unit

1714

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/15/03.
2. ☒ The allowed claim(s) is/are 5-9, 11-17, 19 and 21-24.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☒ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

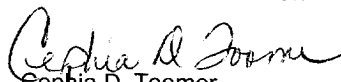
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other   |

  
Cephia D. Toomer  
Primary Examiner  
Art Unit: 1714

Appl. No. 10/025,762  
Reply to final Office Action of June 5, 2003



"RESPONSE UNDER 37 CFR 1.116-  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1714"

DOCKET NO.: 217412US0

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

RECEIVED  
JUL 18 2003  
GROUP 1700

IN RE APPLICATION OF:

:

Takashi MATSUO, et al

: GROUP ART UNIT: 1714

SERIAL NO: 10/025,762

:

FILED: December 26, 2001

: EXAMINER: C. Toomer

FOR: HAIR BLEACH COMPOSITION AND HAIR  
DYE COMPOSITION

**AMENDMENT UNDER 37 C.F.R. §1.116**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Responsive to the final Official Action dated June 5, 2003, please amend the above-  
identified application as follows.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

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7/10/03

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-4. (Canceled)

Claim ~~5~~<sup>1</sup>. (Currently Amended) A hair bleach or dye composition, comprising:

at least two separate components of:

a first aqueous alkali component containing an alkali agent (C) in an amount of 0.1-10 wt % based on the entire hair-bleach composition, and

a second aqueous oxidation component containing an oxidizing agent (D) in an amount corresponding in effect to 0.1-12 wt % of hydrogen peroxide; the composition further comprising:

(A) an organic solvent having a partition coefficient (octanol-water) (log P) at 25° C of 0.3-6 and a molecular weight of 200 or less, in at least one of the first aqueous alkali and second aqueous oxidation components such that the total amount of component (A) ranges from 1-70 wt % of the entire bleach composition;

(B) an organic solvent having a partition coefficient (octanol-water) (log P) at 25° C of less than 0.3, in at least one of the first aqueous alkali and second aqueous oxidation components such that the total amount of component (B) ranges from 0-8 wt % of the entire bleach composition, but less than the amount of component (A); and

(E) water in an amount of 20-55 wt % of the entire bleach composition; and

a saturated or unsaturated C<sub>12</sub>-C<sub>22</sub> linear or branched monohydric alcohol (I) in at least one of the first aqueous alkali or second aqueous oxidation components in an amount ranging from 0.1-20 wt % based on the entire composition, the hair bleach composition, upon admixture of the first aqueous alkali and second aqueous oxidation components upon use, having a pH of 7.5-12.

Claim <sup>2</sup>6. (Previously Added) The hair bleach or dye composition according to Claim <sup>1</sup>5, wherein the first aqueous alkali component contains ammonia in an amount of 0-3 wt % based on the entire composition.

Claim <sup>3</sup>7. (Previously Added) The hair bleach or dye composition according to Claim <sup>1</sup>5, which further comprises a third oxidizing component of a persulfate salt in an amount of 1-30 wt % based on the entire composition.

Claim <sup>4</sup>8. (Currently Amended) The hair bleach or dye composition according to Claim <sup>1</sup>5, which further comprises a cationic surfactant component (F) in at least one of the first aqueous alkali and second aqueous oxidation components in an amount ranging from 0.01-10 wt %.

Claim <sup>5</sup>9. (Previously Added) The hair bleach or dye composition according to Claim <sup>1</sup>5, which further comprises color developing and coupling substances in combinations of two or more substances in respective amounts of 0.01-5 wt % based on the entire composition or a direct dye.

Claim 10. (Canceled)

<sup>6</sup>  
Claim ~~11~~. (Currently Amended) The hair bleach or dye composition according to Claim <sup>1</sup>~~5~~, which further comprises a polyoxyalkylene compound as component (J) in at least one of the first aqueous alkali and second aqueous oxidation components selected from the group consisting of polyalkylene glycol having a total polycondensation number of C<sub>2</sub>-C<sub>4</sub> oxyalkylene groups of 4 or more, polyalkylene glycol alkyl (C<sub>1-4</sub>) ethers, polyalkylene glycol glyceryl ethers, polyalkylene glycol pentaerythritol alkylene ethers, polyalkylene glycoltrimethylolpropane ethers and polyalkylene glycol alkylene glycoyl ethers in at least one of the first and second components in an amount ranging from 0.1-20 wt % based on the entire composition.

<sup>7</sup>  
Claim ~~12~~. (Currently Amended) The hair bleach or dye composition according to Claim <sup>1</sup>~~5~~, which further comprises at least two nonionic surfactants of different HLB values of which one is a hydrophilic nonionic surfactant (K) having an HLB value of 10-20 and another is an oleophilic nonionic surfactant (L) having an HLB value of 1-10, the surfactants incorporated in the first aqueous alkali component or the second aqueous oxidation component or both of the components.

<sup>8</sup>  
Claim ~~13~~. (Previously Added) The hair bleach or dye composition according to Claim <sup>7</sup>~~12~~, wherein the hydrophilic nonionic surfactant is a polyoxyethylene alkyl ether or an alkyl glycoside.

<sup>9</sup>  
Claim ~~14~~. (Previously Added) The hair bleach or dye composition according to Claim <sup>7</sup>~~12~~, wherein the oleophilic nonionic surfactant is a polyoxyethylene alkyl ether having an HLB of 1-10, a polyoxyethylene polypropylene alkyl ether, an alkyl glyceryl ether, alkyl

glyceryl pentaerythritol ether, an alkyl diglyceryl ether or an alkyl triglyceryl ether, all having an HLB value of 1-10.

Claim <sup>10</sup>~~15~~. (Currently amended) A hair bleach or dye composition, comprising:

at least two separate components of:

a first aqueous alkali component containing an alkali agent (C) in an amount of 0.1-10 wt % based on the entire ~~hair-bleach~~ composition, and

a second aqueous oxidation component containing an oxidizing agent (D) in an amount corresponding in effect to 0.1-12 wt % of hydrogen peroxide; the composition further comprising:

(A) an organic solvent having a partition coefficient (octanol-water) (log P) at 25° C of 0.3-6 and a molecular weight of 200 or less, in at least one of the first aqueous alkali and second aqueous oxidation components such that the total amount of component (A) ranges from 1-70 wt % of the entire ~~bleach~~ composition;

(B) an organic solvent having a partition coefficient (octanol-water) (log P) at 25° C of less than 0.3, in at least one of the first aqueous alkali and second aqueous oxidation components such that the total amount of component (B) ranges from 0-8 wt % of the entire ~~bleach~~ composition, but less than the amount of component (A); and

(E) water in an amount of 20-70 wt % of the entire ~~bleach~~ composition; and

(F) a cationic surfactant in at least one of the first aqueous alkali and second aqueous oxidation components in an amount of 0.01-10 wt % based on the entire ~~bleach~~ composition;  
: and

a saturated or unsaturated C<sub>12</sub>-C<sub>22</sub> linear or branched monohydric alcohol (I) in at least one of the first aqueous alkali or second aqueous oxidation components in an amount ranging from 0.1-20 wt % based on the entire composition, the hair bleach composition, upon admixture of the first aqueous alkali and second aqueous oxidation components upon use, having a pH of 7.5-12.

Claim <sup>11</sup>16. (Currently Amended) The hair bleach or dye composition according to Claim <sup>10</sup>15, wherein the first aqueous alkali component contains ammonia in an amount of 0-3 wt % based on the entire composition.

Claim <sup>12</sup>17. (Previously Added) The hair bleach or dye composition according to Claim <sup>10</sup>15, which further comprises a third oxidizing component of a persulfate salt in an amount of 1-30 wt % based on the entire composition.

Claim 18. (Canceled)

Claim <sup>13</sup>19. (Currently Amended) The hair bleach or dye composition according to Claim <sup>10</sup>15, which further comprises color developing and coupling substances in combinations of two or more substances in respective amounts of 0.01-5 wt % based on the entire composition ~~or a direct dye~~.

Claim 20. (Canceled)

Claim <sup>14</sup>21. (Currently Amended) The hair bleach or dye composition according to Claim <sup>10</sup>15, which further comprises a polyoxyalkylene compound as component (J) in at least one of the first aqueous alkali or and second aqueous oxidation components selected from the group consisting of polyalkylene glycol having a total polycondensation number of C<sub>2</sub>-C<sub>4</sub>

oxyalkylene groups of 4 or more, polyalkylene glycol alkyl (C<sub>1-4</sub>) ethers, polyalkylene glycol glyceryl ethers, polyalkylene glycol pentaerythritol alkylene glycol ethers, polyalkylene glycoltrimethylolpropane ethers and polyalkylene glycol alkylene glycol ethers in at least one of the first aqueous alkali or and second aqueous oxidation components in an amount ranging from 0.1-20 wt % based on the entire composition.

<sup>15</sup>  
Claim ~~22~~. (Currently Amended) The hair bleach or dye composition according to  
<sup>10</sup>  
Claim 15, which further comprises at least two nonionic surfactants of different HLB values of which one is a hydrophilic nonionic surfactant (K) having an HLB value of 10-20 and another is an oleophilic nonionic surfactant (L) having an HLB value of 1-10, the surfactants incorporated in the first aqueous alkali component or the second aqueous oxidation component or both of the components.

<sup>16</sup>  
Claim ~~23~~. (Previously Added) The hair bleach or dye composition according to Claim  
<sup>15</sup>  
~~22~~, wherein the hydrophilic nonionic surfactant is a polyoxyethylene alkyl ether or an alkyl glycoside.

<sup>17</sup>  
Claim ~~24~~. (Previously Added) The hair bleach or dye composition according to Claim  
<sup>15</sup>  
~~22~~, wherein the oleophilic nonionic surfactant is a polyoxyethylene alkyl ether having an HLB of 1-10, a polyoxyethylene polypropylene alkyl ether, an alkyl glyceryl ether, alkyl glyceryl pentaerythritol ether, an alkyl diglyceryl ether or an alkyl triglyceryl ether, all having an HLB value of 1-10.

Claim 25. (Canceled)

Claim 26. (Canceled)